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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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availability. Although the Arizona State Land Department had given such reasonable assurance, the county in which the site is located has, to date, refused to issue the required use permit. On June 6, 1993 the licensee filed suit against the Yavapai County Board of Supervisors arguing that denial of the licensee's use permit application was contrary to law and invalid. Specifically, the licensee demonstrated that the denial of the use permit was arbitrary and unreasonable since the Arizona State Land Dept. had previously approved the intended use, the FAA had issued its Determination of No Hazard to Air Navigation and the land had been reclassified for commercial use. Through counsel, the licensee is now engaged in settlement negotiations with the Yavapai County Board of Supervisors. Should such negotiations prove successful, the required use permit will be issued and the licensee will go forward with the specified site. The licensee's alternative plan is contingent upon the pending rulemaking proposing a co-channel change for commonly-controlled Radio Station KONZ(FM), Arizona City, Arizona. The change in channel of KONZ(FM) from 292A to 293A would open up additional area in which the licensee could locate a suitable site to